

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
05-CB-060998	7/7/11

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
International Union, Security, Police and Fire Professionals of America (SPFPA)		b. Union Representative to contact Rick O'Quinn	
c. Address (street, city, state and ZIP code) 25510 Kelly Road Roseville, MI 48066		d. Tel. No. (586)772-7250	e. Cell No.
		f. Fax No. (586)772-9644	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 1(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its officers, agents, and representatives, restrained and coerced the employees of Master Security Company LLC in the exercise of the rights guaranteed in Section 7 of the Act, by coercing employees to sign dues authorization cards.			
3. Name of Employer Master Security Company LLC		4a. Tel. No. (410) 584-8789	b. Cell No.
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 10946D Beaver Dam Road, Hunt Valley, MD 21030		6. Employer representative to contact Kristine Nichols	
7. Type of establishment (factory, mine, wholesaler, etc.) Contractor	8. Identify principal product or service Security services	9. Number of workers employed 50	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11 a. Tel. No.	b. Cell No.
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		c. Fax No.	d. e-Mail
12. DECLARATION (b) (6), (b) (7)(C) charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative person making charge) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) An individual (title or office, if any) (b) (6), (b) (7)(C) Address Date July 6, 2011		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

CHG.05-CB-XXXXXX(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S. GAY STREET - 8TH FLOOR
BALTIMORE, MD 21202-4061

Agency Website: www.nlr.gov
Telephone: (410)962-2822
Fax: (410)962-2198

July 20, 2011

Mr. Rick O'Quinn, Vice President
International Union, Security, Police and Fire
Professionals of America (SPFPA)
25510 Kelly Rd.
Roseville, MI 48066-4932

Re: International Union, Security, Police and
Fire Professionals of America (SPFPA)
Case 05-CB-060998

Dear Mr. O'Quinn:

This is to advise that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ WAYNE R. GOLD

Wayne R. Gold

Regional Director

cc:

(b) (6), (b) (7)(C)

Gordon Gregory, Esq.
Gregory, Moore, Jeakle & Brooks
65 Cadillac Sq. Ste 3727
Detroit, MI 48226-2893

Mr. Dwight E. Duley
International Union, Security, Police & Fire
Professionals of America (SPFPA)
25510 Kelly Rd.
Roseville, MI 48066-4932

Ms. Kristine Nichols, Vice President
Master Security Company, LLC
10946D Beaver Dam Rd.
Hunt Valley, MD 21030-2223

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE	
Case 05-CB-061557	Date Filed 7/22/11

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name United Security and Police Officers of America		b. Union Representative to contact Assane Faye	
c. Address (Street, city, state, and ZIP code) 1101 Pennsylvania Avenue, NW, Suite 600 Washington, D.C. 20004		d. Tel. No. 732-644-0390	e. Cell No.
		f. Fax No. 732-736-1237	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A)(2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the last six months, and continuing to date, the above-named Labor Organization, by its officers, agents and representatives, has restrained and coerced the employees it represents who work under union security clauses by requiring them to pay dues and fees under penalty of discharge without first providing those employees with appropriate notifications of their rights under CWA v. Beck and other law. This charge is filed on behalf of Charging Party and all other affected employees who are represented by the USPOA. Charging Party requests the NLRB seek an injunction pursuant to Section 10(j) of the NLRA.			
3. Name of Employer SecTek, Inc		4a. Tel. No. 571 234-4674	b. Cell No.
		c. Fax No. 703 834-0124	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) Securities and Exchange Commission, Washington DC and Alexandria VA		6. Employer representative to contact Michelle Fowler	
7. Type of establishment (factory, mine, wholesaler, etc.) Security service	8. Identify principal product or service security	9. Number of workers employed >100	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	b. Cell No. (b) (6), (b) (7)(C)
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that the statements herein are true to the best of my knowledge (b) (6), (b) (7)(C) By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative of person making charge) (Print/type name and title or office, if any)		Tel. No. Cell No. (b) (6), (b) (7)(C) Fax No. e-Mail (b) (6), (b) (7)(C)	
Address (b) (6), (b) (7)(C) Date 07-21-11			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S. GAY STREET - 8TH FLOOR
BALTIMORE, MD 21202-4061

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

August 25, 2011

MR. ASSANE B. FAYE
EXECUTIVE DIRECTOR
UNITED SECURITY AND POLICE OFFICERS OF
AMERICA (USPOA)
1101 PENNSYLVANIA AVE., N. W., STE. 600
WASHINGTON, D. C. 20004-2544

Re: UNITED SECURITY AND POLICE OFFICERS OF AMERICA
Case 05-CB-061557

Dear Mr. Faye:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Wayne R. Gold
Regional Director

cc:

(b) (6), (b) (7)(C)

MS. MICHELLE D. FOWLER
VP OPERATIONS
SEC TEK, INC.
11413 ISAAC NEWTON SQ S.
RESTON, VA 20190-5005

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 5-CB-61846	Date Filed 7/28/11

INSTRUCTIONS: File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name International Union, Security, Police and Fire Professionals of America		b. Union Representative to contact David Hickey
c. Phone: (586) 772-7250 FAX:	d. Address (street, city, state and ZIP code) 25510 Kelly Road, Roseville, Michigan 48066	
e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its (b) (6), (b) (7)(C) officers, agents and representatives, restrained and coerced the employees DTM Corporation at the Naval Annex in the exercise of the rights guaranteed by Section 7 of the Act by: 1) failing to accept and process a grievance by bargaining-unit employee (b) (6), (b) (7)(C) concerning DTM Corporation's failure to reimburse employees for physical and drug testing; 2) failing to post information in accordance with the McNamara-O'Hara Service Contract Act (SCA); and 3) failing to apprise employees of DTM Corporation of the outcome of recent negotiations.

3. Name of Employer DTM Corporation		4. Phone: (301) 589-0303 FAX: (301) 589-6968
5. Location of plant involved (street, city, state and ZIP code) 1301 Southgate Road, Arlington, VA 22202		6. Employer representative to contact Margo Bruns, Chief of Operations
7. Type of establishment (factory, mine, wholesaler, etc.) Security Services	8. Identify principal product or service Security	9. Number of workers employed Approx. 45
10. Full name of party filing charge (b) (6), (b) (7)(C)		
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		12. Phone: (b) (6), (b) (7)(C) EMAIL: (b) (6), (b) (7)(C)

13. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)
(Signature) /s/ Samuel Crawford
(b) (6), (b) (7)(C)
(Address)

An Individual
(title or office, if any)

Phone: (b) (6), (b) (7)(C)
(Telephone No.)

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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IO: (b) (6), (b) (7)(C) 7/19/2011



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S. GAY STREET - 8TH FLOOR
BALTIMORE, MD 21202-4061

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

September 19, 2011

MICHAEL J. AKINS, ESQ.
GREGORY, MOORE, JEAKLE & BROOKS, P.C.
THE CADILLAC TOWERS
65 CADILLAC SQUARE, SUITE 3727
DETROIT, MI 48226-2844

Re: International Union, Security, Police and
Fire Professionals of America
Case 05-CB-061846

Dear Mr. Akins:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Wayne R Gold

WAYNE R. GOLD
Regional Director

cc: DAVE HICKEY, INTERNATIONAL
PRESIDENT
SPFPA
25510 KELLY RD
ROSEVILLE, MI 48066-4932

MARGO BRITTS, CHIEF OF
OPERATIONS
DTM CORPORATION
1301 SOUTHGATE ROAD
ARLINGTON, VA 22202

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
05-CB-062358	8-8-11

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name International Union, Security, Police and Fire Professionals of America (SPFPA), Local 280		b. Union Representative to contact Rick O'Quinn	
c. Address (street, city, state and ZIP code) 25510 Kelly Rd. Roseville, Michigan 48066		d. Tel. No. (321) 543-3310	e. Cell No.
		f. Fax No. (321) 622-4729	g. e-Mail rickoquinn@spfpa.org
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) <u>(1)(A)</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of Covenant Aviation Security in the exercise of the rights guaranteed in Section 7 of the Act, by failing to fully process the grievance of (b) (6), (b) (7)(C)

3. Name of Employer Covenant Aviation Security, LLC		4a. Tel. No. (703) 564-5740	b. Cell No. (630) 631-7637
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 225 Reinekers Lane, #1241, Alexandria, VA 22314		6. Employer representative to contact Rhonda Galloway, Employee Relations Manager	
7. Type of establishment (factory, mine, wholesaler, etc.) Contractor	8. Identify principal product or service Security	9. Number of workers employed 300	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11 a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C), are true to the best of my knowledge and belief		Tel. No. (b) (6), (b) (7)(C)	
B. (b) (6), (b) (7)(C) (signature of representative making charge) (b) (6), (b) (7)(C)		Cell No.	
An Individual (title or office, if any)		Fax No.	
(b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)	
Address		Date	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S GAY ST
8TH FLOOR
BALTIMORE, MD 21202-7500

Agency Website: www.nlr.gov
Telephone: (410)962-2822
Fax: (410)962-2198

October 31, 2011

(b) (6), (b) (7)(C)

Re: International Union, Security, Police and
Fire Professionals of America (SPFPA),
Local 280 (Covenant)
Case 05-CB-062358

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Union, Security, Police and Fire Professionals of America (SPFPA); Local 280 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges the Union violated Section 8(b)(1)(A) of the Act by failing to fully process your termination grievance. The investigation shows you were terminated in (b) (6), (b) (7)(C) 2011 over issues concerning your tardiness, and the Union filed a grievance on your behalf on or about (b) (6), (b) (7)(C) 2011. The evidence shows that the Union processed your grievance to a 3rd Step Hearing, conducted on (b) (6), (b) (7)(C) 2011. Based on the evidence presented to the Union, which included reviewing a videotape of your activities on the date in question, the Union decided it would not process your grievance further.

A union retains broad discretion in handling grievances and a violation turns on whether the Union exercised its discretion invidiously, discriminatorily, arbitrarily, or in bad faith. *Vaca v. Sipes*, 386 U.S. 171 (1967). The evidence fails to demonstrate that the Union's decision not to process your grievance further was based on any such unlawful considerations. Accordingly, further proceedings are not warranted and I am refusing to issue complaint herein.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National

Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C.
20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on November 14, 2011. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than November 13, 2011.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** November 14, 2011. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

WAYNE R. GOLD
Regional Director

Enclosure

cc General Counsel
 Office Of Appeals
 Franklin Court Building
 National Labor Relations Board
 1099 14th Street, NW
 Washington, DC 20570

 Mr. Rick O'Quinn, Vice President,
 Region 2
 International Union , Security, Police
 And Fire Professionals Of America
 4100 N Wickham Rd., Ste. 102, #200
 Melbourne, FL 32935-2485

 Mr. Gregory A. Gordon, Esq.
 65 Cadillac Sq.
 Detroit, MI 48226-2893

 Ms. Rhonda Galloway, Employee
 Relations Manager
 Covenant Aviation Security, LLC
 225 Reinekers Ln., Suite # 1241
 Alexandria, VA 22314-2856



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

December 2, 2011

(b) (6), (b) (7)(C)

Re: International Union, Security, Police and
Fire Professionals of America (SPFPA),
Local 280 (Covenant Aviation
Security, LLC)
Case 05-CB-062358

Dear (b) (6), (b) (7)(C):

Your appeal in the captioned matter has been carefully considered and included a thorough review of the Regional Office's investigative files as well as all additional documents that you provided on appeal. The appeal is denied substantially for the reasons set forth in the Regional Director's letter of October 31, 2011.

Contrary to the assertions on appeal, the Regional Director's decision to dismiss this charge was proper. In this regard, please note that the National Labor Relations Board does not determine whether or not a particular grievance is in fact meritorious. Rather, the Agency is called upon to decide whether a union breached its duty of fair representation in refusing to proceed with a particular grievance. The law is clear that a union is not obligated to pursue a grievance which it believes in good faith is without merit; nor does a grievant have an absolute right to have his or her grievance processed through to arbitration. In this connection, the United States Supreme Court has held that a union has wide latitude in its processing of grievances on behalf of members and that a union which has a good faith belief that a case does not merit arbitration does not violate its duty of fair representation. *Vaca v. Sipes*, 386 U.S. 171 (1967). Moreover, the federal courts have consistently recognized that a union must have discretion to determine when a grievance is worthy of further pursuit and have further held that mere negligence or errors of judgment on the part of a union do not constitute a breach of that union's duty of fair representation.

Here, the Union decided in good faith not to pursue your grievance to arbitration after an in depth review of your work history and the reasons presented for your discharge. While the Union initially requested that the Employer reinstate you, it nevertheless determined that it was unlikely that the grievance would be successful and decided not to fully process your grievance. It could not be established that the Union relied on unlawful considerations in making this determination. The mere fact that a union has decided not to process a grievance further or that the grievant is dissatisfied with how (b) (6), (b) (7)(C) union may have represented (b) (6), (b) (7)(C) does not establish a

International Union, Security, Police and
Fire Professionals of America (SPFPA),
Local 280 (Covenant Aviation
Security, LLC)
Case 05-CB-062358

-2

violation of the Act. Consequently, the burden could not be met of establishing that the Union violated the National Labor Relations Act, as alleged. Accordingly, further proceedings are unwarranted.

Sincerely,
Lafe E. Solomon
Acting General Counsel

By _____
Yvonne T. Dixon, Director
Office of Appeals

cc: WAYNE R. GOLD
REGIONAL DIRECTOR
103 S GAY ST 8TH FLOOR
BALTIMORE, MD 21202-7500

GORDON A. GREGORY, ESQ.
65 CADILLAC SQ STE 3727
DETROIT, MI 48226-2893

RICK O'QUINN
VICE PRESIDENT, REGION 2
INTERNATIONAL UNION,
SECURITY, POLICE AND FIRE
PROFESSIONALS OF AMERICA
4100 N WICKHAM RD STE 102 #200
MELBOURNE, FL 32935-2485

RHONDA GALLOWAY
EMPLOYEE RELATIONS MANAGER
COVENANT AVIATION
SECURITY, LLC
225 REINEKERS LN # 1241
ALEXANDRIA, VA 22314-2856

mab

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 5-CB-63217	Date Filed 8/23/11

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
National Association of Special Police & Security Officers (NASPSO)		b Union Representative to contact Caleeb Gray-Burris	
c Address (street, city, state and ZIP code) 10 "G" Street NE Suite 710 Washington, DC 20002		d Tel. No (202)625-8306	e Cell No
		f Fax No (202)582-6006	g e-Mail
h The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 1(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since in or around (b) (6), (b) (7)(C) 2010, and continuing at all times thereafter, the above-named Labor Organization, by its officers, agents, and representatives, restrained and coerced the employees of OMNISEC at the Thurgood Marshall Federal Judiciary Building in the exercise of the rights guaranteed in Section 7 of the Act, by failing to process and willfully misrepresenting employee, (b) (6), (b) (7)(C) below grievances:</p> <p>1. regarding (b) (6), suspension in or around October 2010 and by promising employee (b) (6), (b) (7)(C) that the grievance would be taken to arbitration;</p> <p>2. regarding the Employer telling employee (b) (6), (b) (7)(C) not to come in to work because of (b) (6), hours worked that day in or around (b) (6), (b) (7)(C) 2010; and</p> <p>3. regarding employee (b) (6), (b) (7)(C) termination on or about (b) (6), (b) (7)(C), 2010.</p>			
3. Name of Employer OMNISEC International Security Services, Inc.		4a. Tel No (703) 652-3154	b Cell No
		c Fax No (703) 652-3158	d e-Mail
5. Location of plant involved (street, city, state and ZIP code) 14151 Park Meadow Drive Chantilly, VA 20151-3805		6 Employer representative to contact Karen Lavoie, Director of Human Resources	
7 Type of establishment (factory, mine, wholesaler, etc) Contractor	8. Identify principal product or service Security Services	9 Number of workers employed 30-50	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11 a Tel No (b) (6), (b) (7)(C)	b Cell No
11 Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		c Fax No	d e-Mail
I declare (b) (6), (b) (7)(C) are true to the best of my knowledge and belief		Tel No (b) (6), (b) (7)(C)	
By (signature) Individual (title or office, if any)		Cell No	
(b) (6), (b) (7)(C)		Fax No	
Address		e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

CHG.05-CB-XXXXX (b) (6), (b) (7)(C) doc

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S GAY ST
8TH FLOOR
BALTIMORE, MD 21202-7500

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

October 31, 2011

(b) (6), (b) (7)(C)

Re: National Association of Special Police &
Security Officers (NASPSO)
Case 05-CB-063217

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that National Association of Special Police and Security Officers has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

The investigation has failed to establish that NASPSO violated Section 8(b)(1)(A) of the Act by failing to process a grievance or willfully misrepresenting you regarding matters concerning your (b) (6), (b) (7)(C) 2010 suspension from employment with OMNISEC International Security Services, you not being permitted to work on one occasion in (b) (6), (b) (7)(C) 2010, or your (b) (6), (b) (7)(C) 2010 discharge from OMNISEC.

Regarding your (b) (6), (b) (7)(C) 2010 suspension, the evidence shows that you were suspended at that time for allowing an armed individual to enter the Thurgood Marshall Federal Judiciary Building, where you were assigned as a special police officer/security guard. Subsequently, you filed a grievance. NASPSO processed your grievance, including meeting with OMNISEC on two separate occasions, in (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2010. Later in (b) (6), (b) (7)(C) 2010, OMNISEC instructed you to not come in to work on one occasion, and you were told that the reason was that you were working too many hours at another job. You subsequently filed a grievance, and NASPSO and OMNISEC met again, in (b) (6), (b) (7)(C) 2010. Later in (b) (6), (b) (7)(C) you were discharged from employment with OMNISEC, with OMNISEC informing you that you were no longer permitted to work at the Thurgood Marshall Judiciary Building. The investigation revealed that OMNISEC declined to meet with NASPSO regarding your discharge, because OMNISEC was relying on Article 5 of its collective-bargaining agreement with NASPSO, which provided that an employee's removal from a job site at the request of the site's property manager could not be grieved. The investigation further revealed that OMNISEC removed you from the jobsite at the request of the property manager of the Thurgood Marshall Federal Judiciary Building, and that OMNISEC informed you that it had no available jobs at other sites. You admit that, as recently as (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) 2011, NASPSO informed you it had decided not to proceed to arbitration in any of your cases, but had instead filed unfair labor practice charges involving the adverse employment actions that you experienced. NASPSO in fact filed those charges, which were fully investigated but found to be without merit.

There is no evidence that NASPSO failed to process your grievances, or was motivated by unfair, arbitrary, or irrelevant considerations in processing your grievance in this instance. Rather, the evidence indicates that NASPSO pursued your grievances, and elected not to proceed to arbitration but rather to file unfair labor practice charges. There is no evidence that this election was improperly motivated or made in bad faith. While a union owes employees a duty of fair representation with regard to disputes arising with an employer, it is afforded a wide range of reasonableness in carrying out this duty. Absent a showing that its decision was based on arbitrary, irrelevant, or discriminatory considerations, the mere failure or refusal of a union to process a grievance to arbitration is not unlawful under the Act. See *Vaca v. Sipes*, 386 U.S. 171 (1967); *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953). Therefore, further investigation is not warranted and I am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on November 14, 2011. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than November 13, 2011.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlrb.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** November 14, 2011. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ WAYNE R. GOLD

WAYNE R. GOLD
Regional Director

Enclosure

CERTIFIED MAIL NO. 7010 0780 0000 3626 0428

cc: GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS
BOARD
1099 14TH STREET, NW
WASHINGTON, DC 20570

KAREN LAVOIE, DIRECTOR OF
HUMAN RESOURCES
OMNISEC INTERNATIONAL
SECURITY SERVICES, INC.
14151 PARK MEADOW DR
CHANTILLY, VA 20151-4229

CALEB GRAY-BURRIS
EXECUTIVE DIRECTOR
NATIONAL ASSOCIATION OF
SPECIAL POLICE AND SECURITY
OFFICERS
10 G ST NE, SUITE 710
WASHINGTON, DC 20002-4288

THERESA M. CONNOLLY, ESQ
ISLER, DARE, RAY, RADCLIFFE &
CONNOLLY, P.C.
1919 GALLOWS RD, SUITE 320
VIENNA, VA 22182-4038



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

January 11, 2012

(b) (6), (b) (7)(C)

Re: National Association of Special Police &
Security Officers (NASPSO)
Case 05-CB-063217

Dear (b) (6), (b) (7)(C)

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of October 31, 2011. There was insufficient evidence that the Union breached its duty of fair representation with respect to its processing of your suspension and discharge grievances.

Unions are afforded a wide discretion under the Act in the representation of employees. Absent evidence that a union's decisions pertaining to a particular issue were based on arbitrary or discriminatory considerations, no violation of the Act can be proven merely because an employee disagrees with how the union has represented (b) (6), (b) (7)(C). Here, the evidence indicates that the Union held several meetings with the Employer on your behalf and ultimately chose to pursue an unfair labor practice charge on your behalf rather than seek arbitration. No objective evidence has been presented to establish that the Union's choice was based on any arbitrary, discriminatory or otherwise unlawful considerations. While you contend on appeal that the Union did not properly represent you and failed to challenge the Employer's actions under several contract provisions, the fact that the Act protects an employee from discrimination on the part of a labor organization when it is performing its statutory duty does not mean that the Act also guarantees the quality of such representation. *Truck Drivers, Oil Drivers Local 705 (Associated Transport)*, 209 NLRB 299, 304 (1974). Even assuming a contract provision supports the employee under one interpretation, and the union reasonably gives the contract another interpretation, the fact that the union's interpretation may be "wrong" (as others might see it) does not establish a violation of the union's duty of fair representation. *Washington-Baltimore Newspaper Guild (CWA)*, 239 NLRB 1321 (1979). So long as the union makes some inquiry into the facts and/or so long as the union's contract interpretation has some basis in reason, the union's refusal to process the grievance will not be considered arbitrary. In addition, although you complain about the Union's failure to return your telephone calls, while such conduct arguably constitutes negligence, by itself such lack of responsiveness does not reach the level of an unfair labor practice.

Finally, to the extent you complain about the Employer's actions, the instant charge was filed only against the Union, and no appeal was taken from the Regional Director's dismissal of the charge against the Employer in May 2011. Accordingly, the Employer's actions are not subject for review, and further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon
Acting General Counsel

By:



Yvonne T. Dixon, Director
Office of Appeals

cc: WAYNE R. GOLD
REGIONAL DIRECTOR
103 S GAY ST 8TH FL
BALTIMORE, MD 21202-7500

CALEB GRAY-BURRIS
EXECUTIVE DIRECTOR
NATIONAL ASSOCIATION OF
SPECIAL POLICE AND SECURITY
OFFICERS
10 G ST NE, STE 710
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1919 GALLOWS RD STE 320
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KAREN LAVOIE
DIRECTOR OF HUMAN RESOURCES
OMNISEC INTERNATIONAL
SECURITY SERVICES, INC.
14151 PARK MEADOW DR
CHANTILLY, VA 20151-4229

mab

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS****DO NOT WRITE IN THIS SPACE**

Case

5-CB-63611

Date Filed

8/22/11

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring**1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT**

National Association of Special Police & Security Officers		b Union Representative to contact Caleb Burris	
c Address (street, city, state and ZIP code) 10 "G" Street NE Suite 710 Washington, DC 20002		d Tel. No (202)625-8306	e Cell No
		f Fax No (202)582-6006	g e-Mail
h The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 1(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2010, and continuing at all times thereafter, the above-named Labor Organization, by its officers, agents, and representatives, restrained and coerced the employees of OMNISEC in the exercise of the rights guaranteed in Section 7 of the Act, by failing to process (b) (6), (b) (7)(C) grievance over (b) (6), termination for arbitrary and/or discriminatory reasons and by willfully misleading (b) (6), regarding the status of (b) (6), case and arbitration.

3 Name of Employer OMNISEC		4a Tel. No 202-502-3304	b Cell No
		c Fax No.	d e-Mail
5 Location of plant involved (street, city, state and ZIP code) Thurgood Marshall Building, 1 Columbus Circle, NE, Washington, DC		6 Employer representative to contact Rick Ancelone, Project Mgr.	
7 Type of establishment (factory, mine, wholesaler, etc.) Contractor	8. Identify principal product or service Security	9 Number of workers employed 50	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11 a Tel No (b) (6), (b) (7)(C)	b Cell No
11 Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		c Fax No	d e-Mail

12. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief

Tel No

(b) (6), (b) (7)(C)

Cell No

Individual

(title or office, if any)

Fax No

e-Mail

Address

Date 8/21/11

UNLAWFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Disclosure of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses of the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S GAY ST
8TH FLOOR
BALTIMORE, MD 21202-7500

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

October 31, 2011

(b) (6), (b) (7)(C)

Re: National Association of Special Police
Security Officers (OMNISEC)
Case 05-CB-063611

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that National Association of Special Police & Security Officers has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

You allege the Union has violated Section 8(b)(1)(A) of the Act by failing to process a grievance over your termination for arbitrary and/or discriminatory reasons and by willfully misleading you regarding the status of your case and arbitration. The investigation revealed that on (b) (6), (b) (7)(C) 2010, you were terminated by the Employer for insubordination. The Union filed a grievance on your behalf on (b) (6), (b) (7)(C) 2010, and processed it through the third step of the grievance procedure. The Employer refused to reconsider its decision to discharge you.

On (b) (6), (b) (7)(C) 2011, the Union informed you and the Employer that it was taking the grievance to arbitration. Around the end of (b) (6), (b) (7)(C) 2011, the Union informed you that if the Employer refused to cooperate, the arbitration was most likely not going to happen. At that point you were already aware that the Union had missed the deadline for filing for arbitration, which, under the contract, must be completed within 30 days after the rejection of the grievance of Step three.

The evidence shows you were aware sometime in (b) (6), (b) (7)(C) 2011 that the Union had missed the deadline for filing for arbitration on your termination grievance. Section 10(b) of the Act precludes the General Counsel from issuing a complaint based upon any unfair labor practice occurring more than six months prior to the filing and service of the charge. You filed the charge in this matter on August 22, 2011, and it was served on the Union on September 1, 2011, which is beyond the period specified in Section 10(b) of the Act. Accordingly, further proceedings are not warranted, as this matter is barred under Section 10(b) of the Act, and I am refusing to issue complaint herein.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on November 14, 2011. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than November 13, 2011.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** November 14, 2011. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Wayne R. Gold

WAYNE R. GOLD
Regional Director

Enclosure

Certified Mail No. (b) (6), (b) (7)(C)

cc: See Page 3

cc General Counsel
 Office Of Appeals
 Franklin Court Building
 National Labor Relations Board
 1099 14th Street, NW
 Washington, DC 20570

 Mr. Caleb A. Burris
 National Association of Special Police &
 Security Officers
 10 G Street N.E., Suite 710
 Washington, DC 20002

 Mr. Rick Ancelone
 Project Manager
 OMNISEC
 Thurgood Marshall Building
 1 Columbus Circle, NE
 Washington, DC 20002

 Theresa M. Connolly, Esq.
 Isler, Dare, Ray, Radcliffe & Connolly, P.C.
 1919 Gallows Rd., Ste. 320
 Vienna, VA 22182-4038



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

January 20, 2012

(b) (6), (b) (7)(C)

Re: National Association of Special Police
Security Officers (OMNISEC)
Case 05-CB-063611

Dear (b) (6), (b) (7)(C):

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter October 31, 2011.

You contend on appeal that the Union's failure to file an appeal of the Region's dismissal of a related case filed against the Employer was encompassed in the underlying charge. Even assuming that that the underlying charge did include this conduct, it was concluded that such would not constitute a basis for finding a violation of the Act. The Board has held that merely negligent action or inaction by a union do not alone constitute a breach of the union's statutory duty of fair representation. *OPEIU, Local 2*, 268 NLRB 1353 (1984); *Teamsters Local 692 (Great Western Unifreight System)*, 209 NLRB 446, 448 (1974). Although the Union did not appeal the Regional Office's decision to dismiss your charge in Case 5-CA-36535, the investigation found no evidence that the Union misled you regarding the status of the case or otherwise harbored illegal animus against you that colored its decision not to appeal. The investigation found no evidence here that the Union's decision and failure to file an appeal was based upon arbitrary, invidious or discriminatory considerations. *Vaca v. Sipes*, 386 U.S. 171 (1967); *Truck Drivers, Local Union No. 355*, 229 NLRB 1319, 1321 (1977).

Accordingly, further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon
Acting General Counsel

By: A handwritten signature in black ink, appearing to read "Yvonne T. Dixon", is written over a horizontal line.

Yvonne T. Dixon, Director
Office of Appeals

cc: WAYNE R. GOLD
REGIONAL DIRECTOR
103 S GAY ST 8TH FL
BALTIMORE, MD 21202-7500

CALEB A. BURRIS
NATIONAL ASSOCIATION OF
SPECIAL POLICE & SECURITY
OFFICERS
10 G STREET NE STE 710
WASHINGTON, DC 20002

RICK ANCELONE
PROJECT MANAGER
OMNISEC
THURGOOD MARSHALL BLDG
1 COLUMBUS CIRCLE NE
WASHINGTON, DC 20002

THERESA M. CONNOLLY, ESQ.
ISLER, DARE, RAY, RADCLIFFE &
CONNOLLY, P.C.
1919 GALLOWS RD STE 320
VIENNA, VA 22182-4038

mjb

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 5-CB-63900	Date Filed 8/31/2011

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

International Union, Security, Police and Fire Professionals of America (SPFPA)		b. Union Representative to contact David Hickey, President	
c. Address (street, city, state and ZIP code) 25510 Kelly Road Roseville, Michigan 48066		d. Tel. No. 1-800-228-7492	e. Cell No.
		f. Fax No. (586) 772-9644	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 1(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about the last six months, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of Howard University in the exercise of the rights guaranteed in Section 7 of the Act, by failing and refusing to process grievances beyond the Local level and by failing to represent Local 283 in district court to enforce a settlement agreement.			
3. Name of Employer Howard University		4a. Tel. No. 202-806-2060	b. Cell No.
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 2400 6th Street, NW Suite 321 Washington, DC 20059		6. Employer representative to contact Leroy Jenkins, Deputy General Counsel	
7. Type of establishment (factory, mine, wholesaler, etc.) University	8. Identify principal product or service	9. Number of workers employed 110	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11 a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		c. Fax No.	d. e-Mail

12. DECLARATION

I declare **(b) (6), (b) (7)(C)** charge and that the statements are true to the best of my knowledge and belief

By **(b) (6), (b) (7)(C)**
(signature or representative or person making charge)

Individual
(title or office, if any)

(b) (6), (b) (7)(C)

Address

Date

Tel. No.

(b) (6), (b) (7)(C)

Cell No.

Fax No.

e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 5

103 South Gay Street, 8th Floor Telephone: (410) 962-2822

Baltimore, MD 21202-4061 Facsimile: (410) 962-2198

November 16, 2011

James M. Moore, Esq.
Gregory, Moore, Jeakle & Brooks, P.C.
65 Cadillac Sq. Ste. 3727
Detroit, MI 48226-2893

Re: International Union, Security, Police, and
Fire Professionals of America (SPFPA)
(Howard University)
Case 05-CB-063900

Dear Mr. Moore:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ WAYNE R. GOLD

Wayne R. Gold
Regional Director

cc: (b) (6), (b) (7)(C)
SPFPA, International Union
25510 Kelly Rd.
Roseville, MI 48066-4932

Leroy T. Jenkins, Esq.
Howard University
2400 6th St. NW Ste. 321
Washington, DC 20059-0001

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 5-CB-63947	Date Filed 9/6/11

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
International Union, Security, Police and Fire Professionals of America (SPFPA)		b Union Representative to contact David Hickey, President	
c Address (street, city, state and ZIP code) 25510 Kelly Road Roseville, Michigan 48066		d Tel No 1-800-228-7492	e Cell No
		f Fax No (586) 772-9644	g e-Mail
h The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 1(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since in or around (b) (6), (b) (7)(C) 2010, and continuing at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of Ares Protective Services in the exercise of the rights guaranteed in Section 7 of the Act, by failing and refusing to processing the grievance of employee (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) termination and willfully misrepresented to (b) (6), (b) (7)(C) the status of (b) (6), (b) (7)(C) grievance regarding (b) (6), (b) (7)(C) termination.			
3 Name of Employer Ares Protective Services		4a Tel No 703-704-5351	b Cell No
		c Fax No 703-704-5352	d e-Mail
5 Location of plant involved (street, city, state and ZIP code) 8625C Engleside Office Park Alexandria, VA 22309		6 Employer representative to contact Larry McCauley	
7 Type of establishment (factory, mine, wholesaler, etc.) Government Contract	8 Identify principal product or service Security	9 Number of workers employed 150	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11 a Tel No (b) (6), (b) (7)(C)	b Cell No
11 Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		c Fax No	d e-Mail
12. DECLARATION I declare (b) (6), (b) (7)(C) true to the best of my knowledge and belief By (b) (6), (b) (7)(C) (signature of representative or person making charge) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Address Date 8-31-11		Tel No (b) (6), (b) (7)(C) Cell No Fax No e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S GAY ST
8TH FLOOR
BALTIMORE, MD 21202-7500

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

November 16, 2011

(b) (6), (b) (7)(C)

Re: International Union, Security, Police and
Fire Professionals of America (SPFPA)
Case 05-CB-063947

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Union, Security, Police and Fire Professionals of America d/b/a IUSPFPA has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on November 30, 2011. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than November 29, 2011.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlrb.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the

detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** November 30, 2011. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ WAYNE R. GOLD

WAYNE R. GOLD
Regional Director

Enclosure

CERTIFIED MAIL NO: 7010-0780-0000-3605-7011

cc: See Page Three

cc GENERAL COUNSEL
 OFFICE OF APPEALS
 FRANKLIN COURT BUILDING
 NATIONAL LABOR RELATIONS
 BOARD
 1099 14TH STREET, NW
 WASHINGTON, DC 20570

DAVID L. HICKEY
PRESIDENT
INTERNATIONAL UNION,
SECURITY, POLICE AND FIRE
PROFESSIONALS OF AMERICA
25510 KELLY ROAD
ROSEVILLE, MI 48066-4932

GORDON A. GREGORY, ESQ.
GREGORY, MOORE, JEAKLE &
BROOKS, P.C.
65 CADILLAC SQUARE, SUITE 3727
DETROIT, MI 48226-2893

LARRY MCCAULEY
ARES PROTECTIVE SERVICE
8625C ENGLSIDE OFFICE PARK
ALEXANDRIA, VA 22309-4131

STEFAN J. MARCULEWICZ, ESQ.
LITTLER MENDELSON, P.C.
1150 17TH STREET NW, SUITE 900
WASHINGTON, DC 20036-4655

MEGAN TUMI, ESQ.
LITTLER MENDELSON, P.C.
1150 17TH STREET NW, SUITE 900
WASHINGTON, DC 20036-4655

INTERNET
FORM NLRB-500
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case 5-CB-66314

Date Filed 10/6/2011

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name SECURITY, POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA)	b. Union Representative to contact INT. PRESIDENT DAVID L. HICKEY (b) (6), (b) (7)(C) DIR. JOSEPH MCCRAY	
c. Address (Street, city, state, and ZIP code) 25510 KELLY ROAD, ROSEVILLE, MICHIGAN 48066	d. Tel. No. 1-800-228-7492	e. Cell No. 916-501-3174
	f. Fax No. 586-772-9644	g. e-Mail jmccray@spfpa.org
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 1A of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

1A Failure to represent a union member/shop steward. Articles(5, 6.2, 13, and 14 Seniority) in the Collective Bargaining Agreement C.B.A..

3. Name of Employer SECTEK	4a. Tel. No.	b. Cell No.
	c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 950 L'ENFANT PLAZA, WASHINGTON, D.C. 20024	8. Employer representative to contact DIR. OF OPERATIONS MICHELLE FOWLER	
7. Type of establishment (factory, mine, wholesaler, etc.) FEDERAL OFFICES	6. Identify principal product or service DHS/GSA ARMED SECURITY	9. Number of workers employed 19

10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
	c. Fax No. (b) (6), (b) (7)(C)	d. e-Mail mfowler@sectek.com
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		

12. DECLARATION		11a. Tel. No. (b) (6), (b) (7)(C)
I declare (b) (6), (b) (7)(C) herein are true to the best of my knowledge and belief.		b. Cell No. (b) (6), (b) (7)(C)
By (b) (6), (b) (7)(C) (Print/Type name and title or office, if any)		c. Fax No.
		d. e-Mail (b) (6), (b) (7)(C)
Address _____ (date) 10-5-11		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S GAY ST
8TH FLOOR
BALTIMORE, MD 21202-7500

Agency Website: www.nlr.gov
Telephone: (410)962-2822
Fax: (410)962-2198

December 22, 2011

(b) (6), (b) (7)(C)

Re: Security, Police & Fire Professionals of
America (SPFPA)
(Sectek)
Case 05-CB-066314

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Union, Security Police and Fire Professionals of America (SPFPA) has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded there is insufficient evidence of a violation of the Act. Accordingly, I am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

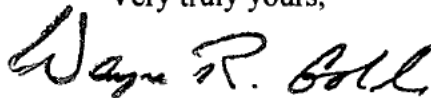
Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on January 5, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than January 4, 2012.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** January 5, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Wayne R. Gold
Regional Director

Enclosure

CERTIFIED MAIL NO. 7009 0960 0001 0067 5262

cc GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS BOARD
1099 14TH STREET, NW
WASHINGTON, DC 20570

SCOTT A BROOKS, ESQ.
GREGORY, MOORE, JEAKLE, HEINEN &
BROOKS P. C.
THE CADILLAC TOWER
65 CADILLAC SQUARE, SUITE 3727
DETROIT, MI 48226-2844

(b) (6), (b) (7)(C)
INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS OF
AMERICA (SPFPA)
25510 KELLY RD.
ROSEVILLE, MI 48066-4932

MS. MICHELLE FOWLER
DIRECTOR OF OPERATIONS
SECTEK, INC.
11413 ISAAC NEWTON SQ. S.
RESTON, VA 20190-5005

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case	Date Filed
05-CB-067023	10/14/2011

INSTRUCTIONS: File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union, Security, Police, and Fire Professionals of America (SPFPA), Local 287		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Phone. (586) 772-7250	d. Address (street, city, state and ZIP code) 25510 Kelly Road, Roseville, MI 48066		
FAX (586) 772-9644			
e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of DTM Corporation in the exercise of the rights guaranteed in Section 7 of the Act, by negligently failing to process a grievance on behalf of (b) (6), (b) (7)(C) regarding (b) (6), termination, and by misrepresenting the Union's efforts to resolve the dispute.</p>			
3 Name of Employer DTM Corporation		4 Phone. (301) 589-0303	
		FAX (301) 589-8317	
5 Location of plant involved (street, city, state and ZIP code) 1320 Fenwick Lane, Ste. 700, Silver Spring, MD 20910		6 Employer representative to contact Margo Briggs, Chief of Operations	
7 Type of establishment (factory, mine, wholesaler, etc.) Security contractor	8. Identify principal product or service Security services	9. Number of workers employed 50	
10. Full name of party filing charge (b) (6), (b) (7)(C)			
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		12. Phone (b) (6), (b) (7)(C)	
		FAX	
13. DECLARATION			
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)		(title or office, if any)	
(sign) (b) (6), (b) (7)(C) person making charge) /s/ Lorenzo Green			
(b) (6), (b) (7)(C)		Phone. (b) (6), (b) (7)(C)	
(Address)		FAX	10/14/11 (date)
		(Telephone No.)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government
NATIONAL LABOR RELATIONS BOARD

Region 5

103 South Gay Street, 8th Floor Telephone: (410) 962-2822

Baltimore, MD 21202-4061 Facsimile: (410) 962-2198

December 23, 2011

(b) (6), (b) (7)(C)

Re: International Union, Security, Police, and
Fire Professionals of America, Local 287
(DTM Corporation)
Case 05-CB-067023

Dear (b) (6), (b) (7)(C):

The Region has carefully investigated and considered your charge against the International Union, Security, Police, and Fire Professionals of America alleging violations under Section 8 of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that the charge was filed outside the 10(b) period and there is insufficient evidence of a violation of the Act. Accordingly, I am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on Friday, January 6, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than Thursday, January 5, 2012.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before Friday, January 6, 2012**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ WAYNE R. GOLD

Wayne R. Gold

Regional Director

Enclosure CERTIFIED MAIL NO. 7009 0960 0001 0068 7487

cc General Counsel
Office of Appeals
Franklin Court Building
National Labor Relations Board
1099 14th Street NW
Washington, DC 20570

Ms. Margo Briggs, Chief of Operations
DTM Corporation
1320 Fenwick Ln. Ste. 700
Silver Spring, MD 20910-3558

(b) (6), (b) (7)(C)

International Union, Security, Police and
Fire Professionals Of America (SPFPA)
and its Local 287
25510 Kelly Road
Roseville, MI 48066-4932

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
5-CB-70694	12/13/2011

INSTRUCTIONS: File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT		
a. Name	b. Union Representative to contact	
United Security and Police Officers of America (USPOA)	Assane Faye	
c. Phone: (732) 644-0390	d. Address (street, city, state and ZIP code)	
FAX: (732) 736-1237	1101 Pennsylvania Ave. NW Ste 600 Washington, DC 20004	
e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) <u>1(A)</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of American Security Programs in the exercise of the rights guaranteed in Section 7 of the Act, by failing to file and/ or process the grievance of (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C)		
3. Name of Employer		4. Phone: (703) 834-8900
American Security Programs		FAX:
5. Location of plant involved (street, city, state and ZIP code)		6. Employer representative to contact
800 North Capital Street, NW Washington DC 20001		Kim Green, Human Resources
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed
Government Contractor	Security	Est. 30 plus
10. Full name of party filing charge		
(b) (6), (b) (7)(C)		
11. Address of party filing charge (street, city, state and ZIP code)		12. Phone: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		FAX:
13. DECLARATION		
(b) (6), (b) (7)(C) I, the undersigned, declare that the statements are true to the best of my knowledge and belief.		
(b) (6), (b) (7)(C) (signature of representative or person making charge) /s/ Dwayne Merchant		Individual (title or office, if any)
(b) (6), (b) (7)(C) (Address)		Phone: (b) (6), (b) (7)(C)
		FAX:
		12/12/11 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

10-01 12/12/2011

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S GAY ST
8TH FLOOR
BALTIMORE, MD 21202-7500

Agency Website: www.nlr.gov
Telephone: (410)962-2822
Fax: (410)962-2198

January 10, 2012

(b) (6), (b) (7)(C)

Re: United Security and Police Officers of
America
(American Security Programs)
Case 05-CB-070694

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that United Security and Police Officers of America (USPOA) has violated the National Labor Relations Act.

Decision to Dismiss: On December 13, 2011 you filed a charge alleging that by failing and/or refusing to process your grievance because of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) the Union violated Section 8(b)(1)(A) of the Act. On December 14, 2011, I sent you a letter informing you of your duty to cooperate in the investigation. The Board agent assigned to investigate attempted to reach you on several occasions. After not being able to reach you, the Board agent set your appointment for Monday, January 9, 2012. A confirming letter was mailed to you on December 19, 2011, cautioning you that your failure to appear for the scheduled appointment or to notify the agent and reschedule the appointment might result in your charge being dismissed for lack of cooperation. You failed to appear for your scheduled appointment on January 9, nor did you call to reschedule. In these circumstances, due to your failure to cooperate, further investigation is not warranted and I am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National

DIS.05-CB-070694

January 10, 2012

Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on Tuesday, January 24, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than Monday, January 23, 2012.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** Tuesday, January 24, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ WAYNE R. GOLD

Wayne R. Gold
Regional Director

Enclosure CERTIFIED MAIL NO. 7009 0960 0001 0068 7616

cc: General Counsel
Office of Appeals
Franklin Court Building
National Labor Relations Board
1099 14th Street NW
Washington, DC 20570

Mr. Assane Faye
United Security and Police Officers of
America
1101 Pennsylvania Ave. NW Ste. 600
Washington, DC 20004-2544

Ms. Kim Green, Human Resources
American Security Programs
800 N Capitol St. NW
Washington, DC 20002-4244

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		05-CB-070988	12/16/11
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL UNION, SECURITY, POLICE & FIRE PROFESSIONALS OF AMERICA AND ITS LOCAL 444 (SPFPA, LOCAL 444)		b. Union Representative to Contact WILLY JONES, UNION REPRESENTATIVE	
c. Address 25510 KELLY RD, ROSEVILLE, MI 48066-4932, UNITED STATES		d. Tel No. (215) 879-1832	e. Cell No.
		f. Fax No. (586) 772-9644	g. e-Mail
e. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of Master Security Company, LLC, in the exercise of the rights guaranteed in Section 7 of the Act, by failing to represent (b) (6), (b) (7)(C) in (b) (6) grievance over no longer being placed on the work schedule			
3. Name of Employer MASTER SECURITY COMPANY, LLC		4a. Tel No. (410) 584-8789 Ext. 109	4b. Cell No. 4d. e-Mail kutznichols@mastersecurity.us
		4c. Fax No. (410) 584-8794	
5. Location of Plant involved (street, city, state, and ZIP code) 10946D BEAVER DAM RD. HUNT VALLEY, MD 21030-2223		6. Employer representative to contact KRISTINE NICHOLS, VICE PRESIDENT	
7. Type of Establishment (factory, mine, wholesaler) CONTRACTOR	8. Principal product or service SERVICE SECURITY	9. Number of Workers employed 35	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11d. e-Mail
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
(b) (6), (b) (7)(C)		INDIVIDUAL	Tel No.
			Cell No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) g charge		Print/type name and title or office, if any)	Fax No.
Address. (b) (6), (b) (7)(C)		Date 12-13-11	e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq*. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

Region 5
103 S. Gay St.
8th Floor
Baltimore, MD 21202-7500

Agency Website: www.nlr.gov
Telephone: (410)962-2822
Fax: (410)962-2198

February 17, 2012

(b) (6), (b) (7)(C)

Re: International Union, Security, Police & Fire
Professionals of America and It's Local 444
(Master Security Company, LLC)
Case 05-CB-070988

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Union, Security, Police and Fire Professionals of America (SPFPA) and It's Local 444 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on March 2, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than March 1, 2012.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed

February 17, 2012

electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** March 2, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

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Very truly yours,

/s/ Wayne R. Gold

WAYNE R. GOLD
Regional Director

Enclosure

CERTIFIED MAIL NO. 7010 0780 0000 3625 5127

cc General Counsel
Office Of Appeals
Franklin Court Building
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570

Gordon A. Gregory, Esq.
Gregory, Moore, Jeakle & Brooks, P.C.
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65 Cadillac Square, Ste. 3727
Detroit, MI 48226-2893

Mr. Willy Jones
Union Representative
International Union Security, Police &
Fire Professionals Of America, Local 444
25510 Kelly Road
Roseville, MI 48066-4932

Ms. Kristine Nichols
Vice President
Master Security Company, LLC
10946-D Beaver Dam Road
Hunt Valley, MD 21030-2223

International Union, Security, Police & Fire - 3 -
Professionals of America and Its Local 444
(Master Security Company, LLC)
Case 05-CB-070988

February 17, 2012